

division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

#### THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from *Congressional Quarterly's "American Congressional Dictionary"*: "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. McGOVERN. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1130

#### THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on approval of the Journal will be followed by 5-minute votes on ordering the previous question on H. Res. 1065 and adoption of H. Res. 1065.

The vote was taken by electronic device, and there were—yeas 232, nays 177, answered "present" 1, not voting 20, as follows:

[Roll No. 153]

YEAS—232

Abercrombie	Butterfield	DeGette
Ackerman	Capito	Delahunt
Baca	Allen	Dent
Andrews	Capuano	Dicks
Arcuri	Cardoza	Dingell
Baca	Carnahan	Doggett
Bachmann	Carney	Donnelly
Baird	Carson	Doyle
Baldwin	Castor	Edwards
Barton (TX)	Chandler	Ellison
Bean	Clarke	Ellsworth
Becerra	Clay	Emanuel
Berkley	Cleaver	Engel
Berman	Clyburn	English (PA)
Berry	Cohen	Eshoo
Bishop (GA)	Conyers	Etheridge
Bishop (NY)	Cooper	Farr
Blumenauer	Costa	Filmer
Boren	Costello	Foster
Boswell	Courtney	Frank (MA)
Boucher	Cramer	Gillibrand
Boyd (FL)	Crowley	Gonzalez
Boyda (KS)	Cuellar	Goodlatte
Brady (PA)	Cummings	Gordon
Briley (IA)	Davis (AL)	Green, Al
Brown, Corrine	Davis (CA)	Green, Gene
Brown-Waite,	Davis (IL)	Grijalva
Ginny	Davis, Lincoln	Gutierrez
Buchanan	DeFazio	Hall (NY)

Hare	Matsui	Sanchez, Loretta
Harman	McCarthy (NY)	Sarbanes
Hastings (FL)	McCollum (MN)	Schakowsky
Herseth Sandlin	McDermott	Schiff
Higgins	McGovern	Schwartz
Hill	McIntyre	Scott (GA)
Hinojosa	McNerney	Scott (VA)
Hirono	McNulty	Serrano
Hodes	Meek (FL)	Sestak
Holden	Meeks (NY)	Shea-Porter
Holt	Melancon	Sherman
Honda	Mica	Shuster
Hooley	Michaud	Sires
Hoyer	Miller (NC)	Skelton
Israel	Miller, George	Slaughter
Jackson (IL)	Mollohan	Smith (WA)
Jackson-Lee	Moore (KS)	Snyder
(TX)	Moore (WI)	Solis
Johnson (GA)	Moran (VA)	Space
Johnson (IL)	Murphy (CT)	Spratt
Johnson, E. B.	Murphy, Patrick	Stark
Jones (OH)	Murtha	Sutton
Kagen	Nadler	Tanner
Kanjorski	Napolitano	Taylor
Kaptur	Neal (MA)	Thompson (MS)
Kennedy	Obey	Tierney
Kildee	Oliver	Towns
Kilpatrick	Ortiz	Tsongas
Kind	Pallone	Van Hollen
Klein (FL)	Pascarell	Velázquez
Kucinich	Pastor	Visclosky
Kuhl (NY)	Paul	Walberg
Lampson	Payne	Walsh (NY)
Langevin	Perlmuter	Walz (MN)
Larsen (WA)	Peterson (MN)	Wasserman
Larson (CT)	Pomeroy	Schultz
Latham	Price (NC)	Waters
Lee	Rahall	Watson
Levin	Rangel	Watt
Lewis (GA)	Reyes	Waxman
Lipinski	Richardson	Weiner
Loebuck	Rodriguez	Welch (VT)
Lofgren, Zoe	Ross	Wexler
Lowe	Rothman	Whitfield (KY)
Lungren, Daniel	Roybal-Allard	Wilson (NM)
E.	Ruppersberger	Wilson (OH)
Lynch	Ryan (OH)	Woolsey
Mahoney (FL)	Salazar	Wu
Markey	Sánchez, Linda	Wynn
Matheson	T.	Yarmuth

NAYS—177

Aderholt	Drake	Knollenberg
Akin	Dreier	LaHood
Alexander	Duncan	Lamborn
Altmire	Ehlers	LaTourette
Bachus	Everett	Latta
Barrett (SC)	Fallin	Lewis (CA)
Barrow	Feeney	Lewis (KY)
Bartlett (MD)	Ferguson	Linder
Biggert	Flake	LoBiondo
Bilbray	Forbes	Lucas
Bilirakis	Fortenberry	Mack
Bishop (UT)	Fossella	Manzullo
Blackburn	Fox	Marchant
Blunt	Franks (AZ)	Marshall
Boehner	Frelinghuysen	McCarthy (CA)
Bonner	Gallegly	McCaul (TX)
Bono Mack	Garrett (NJ)	McCotter
Boozman	Gerlach	McCrery
Boustany	Gilchrest	McHenry
Brady (TX)	Gingrey	McHugh
Brown (GA)	Goode	McKeon
Brown (SC)	Graves	McMorris
Burgess	Hall (TX)	Rodgers
Burton (IN)	Hastings (WA)	Miller (MI)
Buyer	Hayes	Miller, Gary
Calvert	Heller	Mitchell
Camp (MI)	Hensarling	Moran (KS)
Campbell (CA)	Herger	Murphy, Tim
Cannon	Hobson	Musgrave
Carter	Hoekstra	Myrick
Castle	Hulshof	Neugebauer
Chabot	Hunter	Nunes
Coble	Inglis (SC)	Pearce
Cole (OK)	Inlee	Pence
Conaway	Issa	Peterson (PA)
Crenshaw	Johnson, Sam	Petri
Culberson	Jones (NC)	Pickering
Davis (KY)	Jordan	Pitts
Davis, David	Keller	Platts
Davis, Tom	King (IA)	Poe
Deal (GA)	King (NY)	Porter
Diaz-Balart, L.	Kingston	Price (GA)
Diaz-Balart, M.	Kirk	Pryce (OH)
Doolittle	Kline (MN)	Putnam

Radanovich	Schmidt	Tiahrt
Ramstad	Sensenbrenner	Tiberi
Regula	Sessions	Turner
Rehberg	Shadegg	Upton
Reichert	Shays	Walden (OR)
Renzi	Shimkus	Wamp
Reynolds	Shuler	Weldon (FL)
Rogers (AL)	Simpson	Weller
Rogers (KY)	Smith (NE)	Westmoreland
Rogers (MI)	Smith (NJ)	Wilson (SC)
Rohrabacher	Smith (TX)	Wittman (VA)
Ros-Lehtinen	Stearns	Wolf
Roskam	Stupak	Young (AK)
Royce	Terry	Young (FL)
Ryan (WI)	Thompson (CA)	
Sali	Thornberry	

## ANSWERED "PRESENT"—1

Tancred

## NOT VOTING—20

Cantor	Granger	Saxton
Cubin	Hinchee	Souder
DeLauro	Jefferson	Sullivan
Emerson	Maloney (NY)	Tauscher
Fattah	Miller (FL)	Udall (CO)
Giffords	Oberstar	Udall (NM)
Gohmert	Rush	

□ 1154

Messrs. JORDAN of Ohio and SHAYS changed their vote from "yea" to "nay."

Mr. KUCINICH changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

# PROVIDING FOR CONSIDERATION OF H.R. 5501, TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA REAUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1065, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 215, nays 199, not voting 16, as follows:

[Roll No. 154]

## YEAS—215

Abercrombie	Cardoza	DeFazio
Ackerman	Carnahan	DeGette
Allen	Carney	Delahunt
Arcuri	Carson	DeLauro
Baca	Castor	Dicks
Baird	Chandler	Dingell
Baldwin	Clarke	Doggett
Becerra	Clay	Doyle
Berkley	Cleaver	Edwards
Berman	Clyburn	Ellison
Berry	Cohen	Emanuel
Bishop (GA)	Conyers	Engel
Bishop (NY)	Cooper	Eshoo
Blumenauer	Costa	Etheridge
Boren	Costello	Farr
Boswell	Courtney	Filner
Boucher	Cramer	Foster
Boyd (FL)	Crowley	Frank (MA)
Brady (PA)	Cuellar	Giffords
Braley (IA)	Cummings	Gillibrand
Brown, Corrine	Davis (AL)	Gonzalez
Butterfield	Davis (CA)	Gordon
Capps	Davis (IL)	Green, Al
Capuano	Davis, Lincoln	Green, Gene

Grijalva	McCollum (MN)	Sarbanes
Gutierrez	McDermott	Schakowsky
Hall (NY)	McGovern	Schiff
Hare	McIntyre	Schwartz
Harman	McNerney	Scott (GA)
Hastings (FL)	McNulty	Scott (VA)
Herseth Sandlin	Meek (FL)	Serrano
Higgins	Meeks (NY)	Sestak
Hinojosa	Melancon	Shea-Porter
Hirono	Michaud	Sherman
Hodes	Miller (NC)	Shuler
Holden	Miller, George	Sires
Holt	Mitchell	Skelton
Honda	Mollohan	Slaughter
Hooley	Moore (KS)	Smith (WA)
Hoyer	Moore (WI)	Snyder
Inslee	Moran (VA)	Solis
Israel	Murphy (CT)	Space
Jackson (IL)	Murphy, Patrick	Spratt
Jackson-Lee	Murtha	Stark
(TX)	Nadler	Stupak
Johnson (GA)	Napolitano	Sutton
Johnson, E. B.	Neal (MA)	Tanner
Jones (OH)	Oberstar	Taylor
Kagen	Obey	Thompson (CA)
Kanjorski	Oliver	Thompson (MS)
Kaptur	Ortiz	Tierney
Kennedy	Pallone	Towns
Kildee	Pascrell	Tsongas
Kilpatrick	Pastor	Udall (NM)
Kind	Payne	Van Hollen
Klein (FL)	Perlmutter	Velázquez
Kucinich	Peterson (MN)	Visclosky
Langevin	Pomeroy	Walz (MN)
Larsen (WA)	Price (NC)	Wasserman
Larson (CT)	Rahall	Schultz
Lee	Rangel	Waters
Levin	Reyes	Watson
Lewis (GA)	Richardson	Watt
Lipinski	Rodriguez	Waxman
Loeb sack	Ross	Weiner
Lofgren, Zoe	Rothman	Welch (VT)
Lowey	Roybal-Allard	Wexler
Lynch	Ruppersberger	Wilson (OH)
Mahoney (FL)	Ryan (OH)	Woolsey
Markey	Salazar	Wu
Matheson	Sánchez, Linda	Wynn
Matsui	T.	Yarmuth
McCarthy (NY)	Sanchez, Loretta	

## NAYS—199

Aderholt	Davis, Tom	Jones (NC)
Akin	Deal (GA)	Jordan
Alexander	Dent	Keller
Altmire	Diaz-Balart, L.	King (IA)
Bachmann	Diaz-Balart, M.	King (NY)
Bachus	Donnelly	Kingston
Barrett (SC)	Doolittle	Kirk
Barrow	Drake	Kline (MN)
Bartlett (MD)	Dreier	Knollenberg
Barton (TX)	Duncan	Kuhl (NY)
Bean	Ehlers	LaHood
Biggert	Ellsworth	Lamborn
Bilbray	Emerson	Lampson
Bilirakis	English (PA)	Latham
Bishop (UT)	Everett	LaTourette
Blackburn	Fallin	Latta
Blunt	Feeney	Lewis (CA)
Boehner	Ferguson	Lewis (KY)
Bonner	Flake	Linder
Bono Mack	Forbes	LoBiondo
Boozman	Fortenberry	Lucas
Boustany	Fossella	Lungren, Daniel
Boyd (KS)	Fox	E.
Brady (TX)	Franks (AZ)	Mack
Broun (GA)	Frelinghuysen	Manzullo
Brown (SC)	Gallegly	Marshall
Brown-Waite,	Garrett (NJ)	McCarthy (CA)
Ginny	Gerlach	McCaul (TX)
Buchanan	Gilchrest	McCotter
Burgess	Gingrey	McCrery
Burton (IN)	Goode	McHenry
Buyer	Goodlatte	McHugh
Calvert	Graves	McKeon
Camp (MI)	Hall (TX)	McMorris
Campbell (CA)	Hastings (WA)	Rodgers
Cannon	Hayes	Mica
Cantor	Heller	Miller (MI)
Capito	Hensarling	Miller, Gary
Carter	Herger	Moran (KS)
Castle	Hill	Murphy, Tim
Chabot	Hobson	Musgrave
Coble	Hoekstra	Myrick
Cole (OK)	Hulshof	Neugebauer
Coleman	Hunter	Nunes
Crenshaw	Inglis (SC)	Paul
Culberson	Issa	Pearce
Davis (KY)	Johnson (IL)	Pence
Davis, David	Johnson, Sam	Peterson (PA)

Petri	Ros-Lehtinen	Thornberry
Pickering	Roskam	Tiahrt
Pitts	Royce	Tiberi
Platts	Ryan (WI)	Turner
Poe	Sali	Upton
Porter	Schmidt	Walberg
Price (GA)	Sensenbrenner	Walden (OR)
Pryce (OH)	Sessions	Wamp
Putnam	Shadegg	Weldon (FL)
Radanovich	Shays	Weller
Ramstad	Shimkus	Westmoreland
Regula	Shuster	Whitfield (KY)
Rehberg	Simpson	Wilson (NM)
Reichert	Smith (NE)	Wilson (SC)
Renzi	Smith (NJ)	Wittman (VA)
Reynolds	Smith (TX)	Wolf
Rogers (AL)	Stearns	Young (AK)
Rogers (KY)	Sullivan	Young (FL)
Rogers (MI)	Tancred	
Rohrabacher	Terry	

## NOT VOTING—16

Andrews	Jefferson	Souder
Cubin	Maloney (NY)	Tauscher
Fattah	Marchant	Udall (CO)
Gohmert	Miller (FL)	Walsh (NY)
Granger	Rush	
Hinchee	Saxton	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is less than 1 minute remaining in this vote.

□ 1203

Mr. MARSHALL changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 192, not voting 17, as follows:

[Roll No. 155]

## YEAS—221

Abercrombie	Clay	Giffords
Ackerman	Cleaver	Gillibrand
Allen	Clyburn	Gonzalez
Altmire	Cohen	Gordon
Arcuri	Conyers	Green, Al
Baca	Cooper	Green, Gene
Baird	Costa	Grijalva
Baldwin	Costello	Gutierrez
Barrow	Courtney	Hall (NY)
Bean	Crowley	Hare
Becerra	Cuellar	Harman
Berkley	Cummings	Hastings (FL)
Berman	Davis (AL)	Herseth Sandlin
Berry	Davis (CA)	Higgins
Bishop (GA)	Davis (IL)	Hinojosa
Bishop (NY)	Davis, Lincoln	Hirono
Blumenauer	DeFazio	Hodes
Boren	DeGette	Holden
Boswell	Delahunt	Holt
Boucher	DeLauro	Honda
Boyd (FL)	Dicks	Hooley
Boyd (KS)	Dingell	Hoyer
Brady (PA)	Doggett	Inslee
Braley (IA)	Donnelly	Israel
Brown, Corrine	Doyle	Jackson (IL)
Butterfield	Edwards	Jackson-Lee
Capps	Ellsworth	(TX)
Capuano	Emanuel	Johnson (GA)
Cardoza	Engel	Johnson, E. B.
Carnahan	Eshoo	Jones (OH)
Carney	Etheridge	Kagen
Carson	Farr	Kanjorski
Castor	Filner	Kaptur
Chandler	Foster	Kennedy
Clarke	Frank (MA)	Kildee